last updated 12/10/2003

Table of Contents

1. Charter

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel

Purpose

The Secretary of Health and Human Services is authorized under Section 301 of the Public Health Service Act (42 U.S.C. 241) to make grants-in-aid for research projects relating to health. In addition, the Secretary is authorized under Sections 306, 308, 317, 317A, 318, 391, 1501, 1701, and 1706 of the Public Health Service Act (42 U.S.C. 242k, 242m, 247b, 247b-1, 247c, 280b, 300k, 300u, 300u-5); Section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)); and other authorities as appropriate to support grants, cooperative agreements, and studies relating to the prevention and control of diseases, disabilities, injuries, and impairments of public health significance.

This panel will review applications and proposals for research projects and for grants and cooperative agreements in the areas of the causes, prevention, and control of diseases, disabilities, injuries, and impairments of public health significance; exposure to hazardous substances in the environment; health promotion and education; and other related activities that promote health and well-being.

Authority

42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended. The Panel is governed by the provisions of Public Law 92-463, as amended (5 U.S.C. App. 2), which sets forth standards for the formation and use of advisory committees.

Function

The Disease, Disability, and Injury Prevention and Control Special Emphasis Panel shall provide advice and guidance to the Secretary; Health and Human Services; the Director, Centers for Disease Control and Prevention; and the Administrator, Agency for Toxic Substances and Disease Registry, regarding the scientific and technical merit of grant and cooperative agreement assistance applications relating to the causes, prevention, and control of diseases, disabilities, injuries, and impairments of public health significance; exposure to hazardous substances in the environment; health promotion and education; and other related activities that promote health and well-being.

Structure

Members and Chairs shall be selected by the Secretary, or other official to whom the authority has been delegated, on an "as needed" basis in response to specific applications to be reviewed. The Panel will consist of approximately 1200 members, of whom approximately 300 may be voting ex officio members. Members will be selected from authorities in the various fields of prevention and control of diseases, disabilities, and injuries. Members of other chartered Department of Health and Human Services' advisory committees may serve on the Panel if their expertise is required.

Management and support services shall be provided by the Committee Management and Program Panels Activity, Centers for Disease Control and Prevention.

Meetings

Meetings shall be held as necessary (approximately 40 times per year) as determined by the Designated Federal Official, who shall also approve the agenda. A government official shall be present at all meetings.

Meetings shall be open to the public except as determined otherwise by the Secretary or other official to whom the authority has been delegated; notice of all meetings shall be given to the public.

Meetings shall be conducted, and records of the proceedings kept, as required by applicable laws and departmental regulations.

Compensation

Members who are not full-time Federal employees shall be paid at the rate of up to $250 per day, plus per diem and travel expenses in accordance with Standard Government Travel Regulations.

Annual Cost Estimate

Estimated annual cost for operating the Panel, including compensation and travel expenses for members but excluding staff support, is $1,373,000. Estimate of annual person-years of staff support required is 2.6 at an estimated annual cost of $157,819.

Reports

In the event a portion of a meeting is closed to the public, a report shall be prepared annually which shall contain, at a minimum, a list of members and their business addresses; the Panel's function, dates and places of meetings; and a summary of panel activities and recommendations made during the fiscal year. A copy of the report shall be provided to the Department Committee Management Officer.

Termination Date

Unless renewed by appropriate action prior to its expiration, the Disease, Disability, and Injury Prevention and Control Special Emphasis Panel will terminate on September 18, 2004.

APPROVED:

(signed and dated August 28, 2002, by the Acting Director, Management Analysis and Services Office)

2. "FEDERAL ADVISORY COMMITTEE ACT"

s 1. Short title - this Act may be cited as the "Federal Advisory Committee Act"

s 2. Findings and purpose

(a) The Congress finds that there are numerous committees, boards, commissions, councils, and similar groups which have been established to advise officers and agencies in the executive branch of the Federal Government and that they are frequently a useful and beneficial means of furnishing expert advice, ideas, and diverse opinions to the Federal Government.

(b) The Congress further finds and declares that--

(1) the need for many existing advisory committees has not been adequately reviewed;

(2) new advisory committees should be established only when they are determined to be essential and their number should be kept to the minimum necessary;

(3) advisory committees should be terminated when they are no longer carrying out the purposes for which they were established;

(4) standards and uniform procedures should govern the establishment, operation, administration, and duration of advisory committees;

(5) the Congress and the public should be kept informed with respect to the number, purpose, membership, activities, and cost of advisory committees; and

(6) the function of advisory committees should be advisory only, and that all matters under their consideration should be determined, in accordance with law, by the official, agency, or officer involved.

s 3. Definitions - For the purpose of this Act--

(1) The term "Administrator" means the Administrator of General Services.

(2) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof (hereafter in this paragraph referred to as "committee"), which is--

(A) established by statute or reorganization plan, or

(B) established or utilized by the President, or

(C) established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that such term excludes (i) the Advisory Commission on Intergovernmental Relations, (ii) the Commission on Government Procurement, and (iii) any committee which is composed wholly of full-time officers or employees of the Federal Government.

(3) The term "agency" has the same meaning as in section 551(1) of Title 5.

(4) The term "Presidential advisory committee" means an advisory committee which advises the President.

s 4. Applicability; restrictions

(a) The provisions of this Act or of any rule, order, or regulation promulgated under this Act shall apply to each advisory committee except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise.

(b) Nothing in this Act shall be construed to apply to any advisory committee established or utilized by--

(1) the Central Intelligence Agency; or

(2) the Federal Reserve System.

(c) Nothing in this Act shall be construed to apply to any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies.

s 5. Responsibilities of Congressional committees; review; guidelines

(a) In the exercise of its legislative review function, each standing committee of the Senate and the House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction to determine whether such advisory committee should be abolished or merged with any other advisory committee, whether the responsibilities of such advisory committee should be revised, and whether such advisory committee performs a necessary function not already being performed. Each such standing committee shall take appropriate action to obtain the enactment of legislation necessary to carry out the purpose of this subsection.

(b) In considering legislation establishing, or authorizing the establishment of any advisory committee, each standing committee of the Senate and of the House of Representatives shall determine, and report such determination to the Senate or to the House of Representatives, as the case may be, whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. Any such legislation shall--

(1) contain a clearly defined purpose for the advisory committee;

(2) require the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee;

(3) contain appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgment;

(4) contain provisions dealing with authorization of appropriations, the date for submission of reports (if any), the duration of the advisory committee, and the publication of reports and other materials, to the extent that the standing committee determines the provisions of section 10 of this Act to be inadequate; and

(5) contain provisions which will assure that the advisory committee will have adequate staff (either supplied by an agency or employed by it), will be provided adequate quarters, and will have funds available to meet its other necessary expenses.

(c) To the extent they are applicable, the guidelines set out in subsection

(d) of this section shall be followed by the President, agency heads, or other Federal officials in creating an advisory committee.

s 6. Responsibilities of the President; report to Congress; annual report to Congress; exclusion

(a) The President may delegate responsibility for evaluating and taking action, where appropriate, with respect to all public recommendations made to him by Presidential advisory committees.

(b) Within one year after a Presidential advisory committee has submitted a public report to the President, the President or his delegate shall make a report to the Congress stating either his proposals for action or his reasons for inaction, with respect to the recommendations contained in the public report.

(c) The President shall, not later than December 31 of each year, make an annual report to the Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding fiscal year. The report shall contain the name of every advisory committee, the date of and authority for its creation, its termination date or the date it is to make a report, its functions, a reference to the reports it has submitted, a statement of whether it is an ad hoc or continuing body, the dates of its meetings, the names and occupations of its current members, and the total estimated annual cost to the United States to fund, service, supply, and maintain such committee. Such report shall include a list of those advisory committees abolished by the President, and in the case of advisory committees established by statute, a list of those advisory committees which the President recommends be abolished together with his reasons therefore. The President shall exclude from this report any information which, in his judgment, should be withheld for reasons of national security, and he shall include in such report a statement that such information is excluded.

s 7. Responsibilities of the Administrator of General Services; Committee Management Secretariat, establishment; review; recommendations to President and Congress; agency cooperation; performance guidelines; uniform pay guidelines; travel expenses; expense recommendations

(a) The Administrator shall establish and maintain within the General Services Administration a Committee Management Secretariat, which shall be responsible for all matters relating to advisory committees.

(b) The Administrator shall, immediately after October 6, 1972, institute a comprehensive review of the activities and responsibilities of each advisory committee to determine--

(1) whether such committee is carrying out its purpose;

(2) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;

(3) whether it should be merged with other advisory committees;

(4) whether is should be abolished.

The Administrator may from time to time request such information as he deems necessary to carry out his functions under this subsection. Upon the completion of the Administrator's review he shall make recommendations to the President and to either the agency head or the Congress with respect to action he believes should be taken. Thereafter, the Administrator shall carry out a similar review annually. Agency heads shall cooperate with the Administrator in making the reviews required by this subsection.

(c) The Administrator shall prescribe administrative guidelines and management controls applicable to advisory committees, and, to the maximum extent feasible, provide advice, assistance, and guidance to advisory committees to improve their performance. In carrying out his functions under this subsection, the Administrator shall consider the recommendations of each

agency head with respect to means of improving the performance of advisory committees whose duties are related to such agency.

(d)(1) The Administrator after study and consultation with the Director of the Office of Personnel Management, shall establish guidelines with respect to uniform fair rates of pay for comparable services of members, staffs, and consultants of advisory committees in a manner which gives appropriate recognition to the responsibilities and qualifications required and other relevant factors. Such regulations shall provide that--

(A) no member of any advisory committee or of the staff of any advisory committee shall receive compensation at a rate in excess of the rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code;

(B) such members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service; and

(C) such members--

(i) who are blind or deaf or who otherwise qualify as handicapped individuals (within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 794)), and

(ii) who do not otherwise qualify for assistance under section 3102 of Title 5, by reason of being an employee of an agency (within the meaning of section 3102(a)(1) of such Title 5), may be provided services pursuant to section 3102 of such Title 5 while in performance of their advisory committee duties.

(d)(2) Nothing in this subsection shall prevent--

(A) an individual who (without regard to his service with an advisory committee) is a full-time employee of the United States, or

(B) an individual who immediately before his service with an advisory committee was such an employee, from receiving compensation at the rate at which he otherwise would be compensated (or was compensated) as a full-time employee of the United States.

(e) The Administrator shall include in budget recommendations a summary of the amounts he deems necessary for the expenses of advisory committees, including the expenses for publication of reports where appropriate.

s 8. Responsibilities of agency heads; Advisory Committee Management Officer, designation

(a) Each agency head shall establish uniform administrative guidelines and management controls for advisory committees established by that agency, which shall be consistent with directives of the Administrator under section 7 and section 10. Each agency shall maintain systematic information on the nature, functions, and operations of each advisory committee within its jurisdiction.

(b) The head of each agency which has an advisory committee shall designate an Advisory Committee Management Officer who shall--

(1) exercise control and supervision over the establishment, procedures, and accomplishments of advisory committees established by that agency;

(2) assemble and maintain the reports, records, and other papers of any such committee during its existence; and

(3) carry out, on behalf of that agency, the provisions of section 552 of title 5, United States Code, with respect to such reports, records, and other papers.

s 9. Establishment and purpose of advisory committees; publication in Federal Register; charter: filing, contents, copy

(a) No advisory committee shall be established unless such establishment is--

(1) specifically authorized by statute or by the President;

(2) determined as a matter of formal record, by the head of the agency involved after consultation with the Administrator with timely notice published in the Federal Register, to be in the public interest in connection with the performance of duties imposed on that agency by law.

(b) Unless otherwise specifically provided by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Determinations of action to be taken and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations shall be made solely by the President or an officer of the Federal Government.

(c) No advisory committee shall meet or take any action until an advisory committee charter has been filed with (1) the Administrator, in the case of Presidential advisory committees, or (2) with the head of the agency to whom any advisory committee reports and with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of such agency. Such charter shall contain the following information:

(A) the committee's official designation;

(B) the committee's objectives and the scope of its activity;

(C) the period of time necessary for the committee to carry out its purposes;

(D) the agency or official to whom the committee reports;

(E) the agency responsible for providing the necessary support for the committee;

(F) a description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;

(G) the estimated annual operating costs in dollars and man-years for such committee;

(H) the estimated number and frequency of committee meetings;

(I) the committee's termination date, if less than two years from the date of the committee's establishment; and

(J) the date the charter is filed.

A copy of any such charter shall also be furnished to the Library of Congress.

s 10. Advisory committee procedures; meetings; notice, publication in Federal Register; regulations; minutes; certification; annual report; Federal officer or employee, attendance

(a)

(1) Each advisory committee meeting shall be open to the public.

(2) Except when the President determines otherwise for reasons of national security, timely notice of each such meeting shall be published in the Federal Register, and the Administrator shall prescribe regulations to provide for other types of public notice to insure that all interested persons are notified of such meeting prior thereto.

(3) Interested persons shall be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules or regulations as the Administrator may prescribe.

(b) Subject to section 552 of title 5, United States Code, the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection and copying at a single location in the offices of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to exist.

(c) Detailed minutes of each meeting of each advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory committee. The accuracy of all minutes shall be certified to by the chairman of the advisory committee.

(d) Subsections (a)(1) and (a)(3) of this section shall not apply to any portion of an advisory committee meeting where the President, or the head of the agency to which the advisory committee reports, determines that such portion of such meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code. Any such determination shall be in writing and shall contain the reasons for such determination. If such a determination is made, the advisory committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5, United States Code.

(e) There shall be designated an officer or employee of the Federal Government to chair or attend each meeting of each advisory committee. The officer or employee so designated is authorized, whenever he determines it to be in the public interest, to adjourn any such meeting. No advisory committee shall conduct any meeting in the absence of that officer or employee.

(f) Advisory committees shall not hold any meetings except at the call of, or with the advance approval of, a designated officer or employee of the Federal

s 11. Availability of transcripts; "agency proceeding"

(a) Except where prohibited by contractual agreements entered into prior to the effective date of this Act, agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts of agency proceedings or advisory committee meetings.

(b) As used in this section "agency proceeding" means any proceeding as defined in section 551(12) of title 5, United States Code.

s 12. Fiscal and administrative provisions; recordkeeping; audit; agency support services

(a) Each agency shall keep records as will fully disclose the disposition of any funds which may be at the disposal of its advisory committees and the nature and extent of their activities. The General Services Administration, or such other agency as the President may designate, shall maintain financial records with respect to Presidential advisory committees. The Comptroller General of the United States, or any of his authorized representatives, shall have access, for the purpose of audit and examination, to any such records.

(b) Each agency shall be responsible for providing support services for each advisory committee established by or reporting to it unless the establishing authority provides otherwise. Where any such advisory committee reports to more than one agency, only one agency shall be responsible for support services at any one time. In the case of Presidential advisory committees, such services may be provided by the General Services Administration.

s 13. Responsibilities of Library of Congress; reports and background papers; depository

Subject to section 552 of title 5, United States Code, the Administrator shall provide for the filing with the Library of Congress of at least eight copies of each report made by every advisory committee and, where appropriate, background papers prepared by consultants. The Librarian of Congress shall establish a depository for such reports and papers where they shall be available to public inspection and use.

s 14. Termination of advisory committees; renewal; continuation

(a)(1) Each advisory committee which is in existence on the effective date of this Act shall terminate not later than the expiration of the two-year period following such effective date unless--

(A) in the case of an advisory committee established by the President or an officer of the Federal Government, such advisory committee is renewed by the President or that officer by appropriate action prior to the expiration of such two-year period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(a)(2) Each advisory committee established after such effective date shall terminate not later than the expiration of the two-year period beginning on the date of its establishment unless--

(A) in the case of an advisory committee established by the President or an officer of the Federal Government such advisory committee is renewed by the President or such officer by appropriate action prior to the end of such period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(b)

(1) Upon the renewal of any advisory committee, such advisory committee shall file a charter in accordance with section 9(c).

(2) Any advisory committee established by an Act of Congress shall file a charter in accordance with such section upon the expiration of each successive two-year period following the date of enactment of the Act establishing such advisory committee.

(3) No advisory committee required under this subsection to file a charter shall take any action (other than preparation and filing of such charter) prior to the date on which such charter is filed.

(c) Any advisory committee which is renewed by the President or any officer of the Federal Government may be continued only for successive two-year periods by appropriate action taken by the President or such officer prior to the date on which such advisory committee would otherwise terminate.

s 15. Effective date

Except as provided in section 7(b), this Act shall become effective upon the expiration of ninety days following October 6, 1972.

3. "GOVERNMENT IN THE SUNSHINE ACT"

s 1. Short title

This Act may be cited as the "Government in the Sunshine Act."

s 2. Declaration of policy

It is hereby declared to be the policy of the United States that the public is entitled to the fullest practicable information regarding the decision making processes of the Federal Government. It is the purpose of this Act to provide the public with such information while protecting the rights of individuals and the ability of the Government to carry out its responsibilities.

s 3. Open meetings

(a) Title 5, United States Code, is amended by adding after section 552a the following new section:

ss 552b. Open meetings

(a) For purposes of this section--

(1) the term "agency" means any agency, as defined in section 552(e) of this title, headed by a collegial body composed of two or more individual members, a majority of whom are appointed to such position by the President with the advice and consent of the Senate, and any subdivision thereof authorized to act on behalf of the agency;

(2) the term "meeting" means the deliberations of at least the number of individual agency members required to take action on behalf of the agency where such deliberations determine or result in the joint conduct or disposition of official agency business, but does not include deliberations required or permitted by subsection (d) or (e); and

(3) the term "member" means an individual who belongs to a collegial body heading an agency.

(b) Members shall not jointly conduct or dispose of agency business other than in accordance with this section. Except as provided in subsection (c), every portion of every meeting of an agency shall be open to public observation.

(c) Except in a case where the agency finds that the public interest requires otherwise, the second sentence of subsection (b) shall not apply to any portion of any agency meeting, and the requirements of subsections (d) and (e) shall not apply to any information pertaining to such meeting otherwise required by this section to be disclosed to the public, where the agency properly determines that such portion or portions of its meeting or the disclosure of such information is likely to--

(1) disclose matters that are (A) specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such Executive order;

(2) relate solely to the internal personnel rules and practices of an agency;

(3) disclose matters specifically exempted from disclosure by statute (other than section 552 of this title), provided that such statute (A) requires that the matters withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) involve accusing any person of a crime, or formally censuring any person;

(6) disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(7) disclose investigatory records compiled for law enforcement purposes, or information which if written would be contained in such records, but only to the extent that the production of such records or information would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(8) disclose information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;

(9) disclose information the premature disclosure of which would--

A) in the case of an agency which regulates currencies, securities, commodities, or financial institutions, be likely to (i) lead to significant financial speculation in currencies, securities, or commodities, or (ii) significantly endanger the stability of any financial institution; or

(B) in the case of any agency, be likely to significantly frustrate implementation of a proposed agency action, except that subparagraph (B) shall not apply in any instance where the agency has already disclosed to the public the content or nature of its proposed action, or where the agency is required by law to make such disclosure on its own initiative prior to taking final agency action on such proposal; or

(10) specifically concern the agency's issuance of a subpoena, or the agency's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the agency of a particular case of formal agency adjudication pursuant to the procedures in section 554 of this title or otherwise involving a determination on the record after opportunity for a hearing.

(d)(1) Action under subsection (c) shall be taken only when a majority of the entire membership of the agency (as defined in subsection (a)(1)) votes to take such action. A separate vote of the agency members shall be taken with respect to each agency meeting a portion or portions of which are proposed to be closed to the public pursuant to subsection (c), or with respect to any information which is proposed to be withheld under subsection (c). A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of meetings, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series. The vote of each agency member participating in such vote shall be recorded and no proxies shall be allowed.

(d)(2) Whenever any person whose interests may be directly affected by a portion of a meeting requests that the agency close such portion to the public for any of the reasons referred to in paragraph (5), (6), or (7) of subsection (c), the agency, upon request of any one of its members, shall vote by recorded vote whether to close such meeting.

(d)(3) Within one day of any vote taken pursuant to paragraph (1) or (2), the agency shall make publicly available a written copy of such vote reflecting the vote of each member on the question. If a portion of a meeting is to be closed to the public, the agency shall, within one day of the vote

taken pursuant to paragraph (1) or (2) of this subsection, make publicly available a full written explanation of its action closing the portion together with a list of all persons expected to attend the meeting and their affiliation.

(d)(4) Any agency, a majority of whose meetings may properly be closed to the public pursuant to paragraph (4), (8), (9)(A), or (10) of subsection (c), or any combination thereof, may provide by regulation for the closing of such meetings or portions thereof in the event that a majority of the members of the agency votes by recorded vote at the beginning of such meeting, or portion thereof, to close the exempt portion or portions of the meeting, and a copy of such vote, reflecting the vote of each member on the question, is made available to the public. The provisions of paragraphs (1), (2), and (3) of this subsection and subsection (e) shall not apply to any portion of a meeting to which such regulations apply: *Provided*, That the agency shall, except to the extent that such information is exempt from disclosure under the provisions of subsection (c), provide the public with public announcement of the time, place, and subject matter of the meeting and of each portion thereof at the earliest praticable time.

(e)(1) In the case of each meeting, the agency shall make public announcement, at least one week before the meeting, of the time, place, and subject matter of the meeting, whether it is to be open or closed to the public, and the name and phone number of the official designated by the agency to respond to requests for information about the meeting. Such announcement shall be made unless a majority of the members of the agency determines by a recorded vote that agency business requires that such meeting be called at an earlier date, in which case the agency shall make public announcement of the time, place, and subject matter of such meeting, and whether open or closed to the public, at the earliest practicable time.

(e)(2) The time or place of a meeting may be changed following the public announcement required by paragraph (1) only if the agency publicly announces such change at the earliest practicable time. The subject matter of a meeting, or the determination of the agency to open or close a meeting, or portion of a meeting, to the public, may be changed following the public announcement required by this subsection only if (A) a majority of the entire membership of the agency determines by a recorded vote that agency business so requires and that no earlier announcement of the change was possible, and (B) the agency publicly announces such change and the vote of each member upon such change at the earliest practicable time.

(e)(3) Immediately following each public announcement required by this subsection, notice of the time, place, and subject matter of a meeting, whether the meeting is open or closed, any change in one of the preceding, and the name and phone number of the official designated by the agency to respond to requests for information about the meeting, shall also be submitted for publication in the Federal Register.

(f) (1) For every meeting closed pursuant to paragraphs (1) through (10) of subsection (c), the General Counsel or chief legal officer of the agency shall publicly certify that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification, together with a statement from the presiding officer of the meeting setting forth the time and place of the meeting, and the persons present, shall be retained by the agency. The agency shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting, closed to the public pursuant to paragraph (8), (9)(A), or (10) of subsection (c), the agency shall maintain either such a transcript or recording, or a set of minutes. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefore, including a description of each of the views expressed on any item and the record of any roll call vote (reflecting the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

(f)(2) The agency shall make promptly available to the public, in a place easily accessible to the public, the transcript, electronic recording, or minutes (as required by paragraph (1)) of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeting, except for such item or items of such discussion or testimony as the agency determines to contain information which may be withheld under subsection (c). Copies of such transcript, or minutes, or a transcription of such recording disclosing the identity of each speaker, shall be furnished to any person at the actual cost of duplication or transcription. The agency shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two years after such meeting, or until one year after the conclusion of any agency proceeding with respect to which the meeting or portion was held, whichever occurs later.

(g) Each agency subject to the requirements of this section shall, within 180 days after the date of enactment of this section, following consultation with the Office of the Chairman of the Administrative Conference of the United States and published notice in the Federal Register of at least thirty days and opportunity for written comment by any person, promulgate regulations to implement the requirements of subsections (b) through (f) of this section. Any person may bring a proceeding in the United States District Court for the District of Columbia to require an agency to promulgate such regulations if such agency has not promulgated such regulations within the time period specified herein. Subject to any limitations of time provided by law, any person may bring a proceeding in the United States Court of Appeals for the District of Columbia to set aside agency regulations issued pursuant to this subsection that are not in accord with the requirements of subsections (b) through (f) of this section and to require the promulgation of regulations that are in accord with such subsections.

(h)(1) The district course of the United States shall have jurisdiction to enforce the requirements of subsections (b) through (f) of this section by declaratory judgment, injunctive relief, or other relief as may be appropriate. Such actions may be brought by any person against an agency prior to, or within sixty days after, the meeting out of which the violation of this section arises, except that if public announcement of such meeting is not initially provided by the agency in accordance with the requirements of this section, such action may be instituted pursuant to this section at any time prior to sixty days after any public announcement of such meeting. Such actions may be brought in the district court of the United States for the district in which the agency meeting is held or in which the agency in question has its headquarters, or in the District Court for the District of Columbia. In such actions a defendant shall serve his answer within thirty days after the service of the complaint. The burden is on the defendant to sustain his action. In deciding such cases the court may examine in camera any portion of the transcript, electronic recording, or minutes of a meeting closed to the public, and may take such additional evidence as it deems necessary. The court, having due regard for orderly administration and the public interest, as well as the interests of the parties, may grant such equitable relief as it deems appropriate, including granting an injunction against future violations of this section or ordering the agency to make available to the public such portion of the transcript, recording, or minutes of a meeting as is not authorized to be withheld under subsection (c) of this section.

(h)(2) Any Federal court otherwise authorized by law to review agency action may, at the application of any person properly participating in the proceeding pursuant to other applicable law, inquire into violations by the agency of the requirements of this section and afford such relief as it deems appropriate. Nothing in this section authorizes any Federal court having jurisdiction solely on the basis of paragraph (1) to set aside, enjoin, or invalidate any agency action (other than an action to close a meeting or to withhold information under this section) taken or discussed at any agency meeting out of which the violation of this section arose.

(i) The court may assess against any party reasonable attorney fees and other litigation costs reasonably incurred by any other party who substantially prevails in any action brought in accordance with the provisions of subsection (g) or (h) of this section, except that costs may be assessed against the plaintiff only where the court finds that the suit was initiated by the plaintiff primarily for frivolous or dilatory purposes. In the case of assessment of costs against an agency, the costs may be assessed by the court against the United States.

(j) Each agency subject to the requirements of this section shall annually report to Congress regarding its compliance with such requirements, including a tabulation of the total number of agency meetings open to the public, the total number of meetings closed to the public, the reasons for closing such meetings, and a description of any litigation brought against the agency under this section, including any costs assessed against the agency in such litigation (whether or not paid by the agency).

(k) Nothing herein expands or limits the present rights of any person under section 552 of this title, except that the exemptions set forth in subsection (c) of this section shall govern in the case of any request made pursuant to section 552 to copy or inspect the transcripts, recordings, or minutes described in subsection (f) of this section. The requirements of chapter 33 of title 44, United States Code, shall not apply to the transcripts, recordings, and minutes described in subsection (f) of this section.

(l) This section does not constitute authority to withhold any information from Congress, and does not authorize the closing of any agency meeting or portion thereof required by any other provision of law to be open.

(m) Nothing in this section authorizes any agency to withhold from any individual any record, including transcripts, recordings, or minutes required by this section, which is otherwise accessible to such individual under section 552a of this title.".

(b) The chapter analysis of chapter 5 of title 5, United States Code, is amended by inserting:

552b. Open meetings." immediately below:

552a. Records about individuals.".

s 4. Ex parte communications

(a) Section 557 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

(d)(1) In any agency proceeding which is subject to subsection (a) of this section, except to the extent required for the disposition of ex parte matters as authorized by law--

(A) no interested person outside the agency shall make or knowingly cause to be made to any member of the body comprising the agency, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of the proceeding, an ex parte communication relevant to the merits of the proceeding;

(B) no member of the body comprising the agency, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of the proceeding, shall make or knowingly cause to be made to any interested person outside the agency an ex parte communication relevant to the merits of the proceeding;

(C) a member of the body comprising the agency, administrative law judge, or other employee who is or may reasonably be expected to be involved in the decisional process of such proceeding who receives, or who makes or knowingly causes to be made, a communication prohibited by this subsection shall place on the public record of the proceeding:

(i) all such written communications;

(ii) memoranda stating the substance of all such oral communications; and

(iii) all written responses, and memoranda stating the substance of all oral responses, to the materials described in clauses (i) and (i) of this subparagraph;

(D) upon receipt of a communication knowingly made or knowingly caused to be made by a party in violation of this subsection, the agency, administrative law judge, or other employee presiding at the hearing may, to the extent consistent with the interests of justice and the policy of the underlying statutes, require the party to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation; and

(E) the prohibitions of this subsection shall apply beginning at such time as the agency may designate, but in no case shall they begin to apply later than the time at which a proceeding is noticed for hearing unless the person responsible for the communication has knowledge that it will be noticed, in which case the prohibitions shall apply beginning at the time of his acquisition of such knowledge.

(d)(2) This subsection does not constitute authority to withhold information from Congress.".

(b) Section 551 of title 5, United States Code, is amended--

(1) by striking out "and" at the end of paragraph (12);

(2) by striking out the "act." at the end of paragraph (13) and inserting in lieu thereof "act; and"; and

(3) by adding at the end thereof the following new paragraph:

(14) "ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or proceeding covered by this subchapter.".

(c) Section 556(d) of title 5, United States Code, is amended by inserting between the third and fourth sentences thereof the following new sentence: "The agency may, to the extent consistent with the interests of justice and the policy of the underlying statutes administered by the agency, consider a violation of section 557(d) of this title sufficient grounds for a decision adverse to a party who has knowingly committed such violation or knowingly caused such violation to occur.".

s 5. Conforming amendments

(a) Section 410(b)(1) of title 39, United States Code, is amended by inserting after "Section 552 (public information)," the words "section 552a (records about individuals), section 552b (open meetings).".

(b) Section 552(b)(3) of title 5, United States Code, is amended to read as follows:

(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;".

(c) Subsection (d) of section 10 of the Federal Advisory Committee Act is amended by striking out the first sentence and inserting in lieu thereof the following: "Subsections (a)(1) and (a)(3) of this section shall not apply to any portion of an advisory committee meeting where the President, or the head of the agency to which the advisory committee reports, determines that such portion of

such meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code.".

s 6. Effective date

(a) Except as provided in subsection (b) of this section, the provisions of this Act shall take effect 180 days after the date of its enactment.

Subsection (g) of section 552b of title 5, United States Code, as added by section 3(a) of this Act, shall take effect upon enactment.

Approved September 13, 1976.

4. Introduction

The Special Emphasis Panel at CDC/ATSDR

The increased number of assistance awards from CDC/ATSDR and liberalized eligibility criteria have resulted in a dramatic increase in the number of competitive applications. Subsequently, CDC and ATSDR are under increased scrutiny from applicant organizations, their supporters, and other interested parties. Among health department applicants there is greater competition for available resources, as the emphasis on application quality (a major factor in determination of awards funding) increases.

Special Emphasis Panel

The Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP) provides the most practical and objective method of application review by including federal and private sector experts. The integrity of the review process, the ability to award and process grants in a timely manner, and CDC's* responsiveness to applicants is facilitated by the panel.

The SEP enables expert review of assistance applications, and provides non-federal members a role in the decision-making process. Requirements for SEP composition ensure a balance of representation, providing additional objectivity to the process. All CDC programs which award grants or enter into cooperative agreements may use this Panel for the review of applications.

SEP Membership

There are no standing or appointed members of the SEP, and regulations prohibit establishment of subcommittees to the SEP. The SEP has a fluid membership, with members designated to serve for individual meetings rather than being formally appointed for fixed terms of service. Individuals designated to serve for a specific review meeting will be, upon active participation, members of the SEP for that meeting only. Thus, SEP membership changes with each meeting, and several meetings may convene concurrently.

The SEP is not considered a substitute for chartered committees with appointed members serving fixed terms.

Federal Advisory Committee Act

CDC has chartered the Special Emphasis Panel in accordance with the **Federal Advisory Committee Act** (FACA). CDC's Committee Management and Program Panels Activity (CMPPA) tracks its membership and provides recurring and special reports to the Department. The FACA also requires publication of a Notice of Meeting in the Federal Register at least 15 days before each individual SEP meeting, and compilation of minutes for each SEP meeting.

SEP Charter Renewal

The Disease, Disability and Injury Prevention and Control Special Emphasis Panel's initial charter was prepared by CDC and signed by the Secretary, HHS, on September 18, 1994. Approximate annual costs and an estimated number of reviewers was included, as well as a standard Financial Operating Plan. The charter will be forwarded to the Director, CDC (authority to sign delegated by the Secretary) by the Committee Management and Program Panels Activity, for renewal at appropriate two-year intervals. The latest charter renewal was approved on August 28, 2002.

*References to CDC also apply to ATSDR

Rev. 12/00

5. Delegations of Authority

The following is a list of the delegations of authority in effect for Special Emphasis Panels. For a signed copy of any of the delegations of authority, please contact the Committee Management Office at 404/498-0090.

- Delegation of Authority to Designate Chairs and Invite Members to Serve on the Disease, Disability, and Injury Prevention and Control Special Emphasis Panel. Dated and signed on October 26, 1994, by the Assistant Secretary for Health, delegating authority to the Director, Centers for Disease Control and Prevention, and the Administrator, Agency for Toxic Substances and Disease Registry.
- Delegation of Authority under the Federal Advisory Committee Act, Jan 25, 2002,that advisory committee meetings or portions thereof may be closed to the public. Signed and dated, by the Director, Centers for Disease Control and Prevention, delegating authority to the Deputy Director for Program Management, CDC; Associate Director for Program Services, CDC; Director, Management Analysis and Services Organization; CDC.
    1. Authority to renew, recharter, amend and terminate established Federal advisory committees.
    2. Authority to approve waivers to appoint committee members to established Federal advisory committees;
        a. Service of more than four years without a 1-year break;
        b. Service of more than eight combined years within a period of 12 years;
        c. Service on more than one committee at the same time;
        d. Service on the same committee at the same time with another individual who is affiliated with a particular non-Federal organization or institution in the same city;
        e. Service of a longer period than the remainder of a term for an unscheduled vacancy.
    3. Authority to close review meetings following approval by the Office of the General Council based on a determination that the advisory committee meeting or portion thereof may be closed to the public pursuant to the provisions of 5 U.S.C. 552b(c) and Section 10(d) of the Federal Advisory Committee Act.
- Delegation of Authority to Sign Federal Register Notices. Signed and dated Nov 25, 2003, by the Director, Centers for Disease Control and Prevention, delegating authority to: Deputy Director for Program Management, CDC; Deputy Director for Policy and Legislation, CDC; Deputy Director for Science and Public Health, CDC; Associate Director for CDC/Washington, Associate Director for Management and Operation, CDC; Associate Director for Program Services, CDC; Director, Executive Secretariat, Deputy Administrator, ATSDR; and Director, Management Analysis and Services Organization, CDC.

6. Communication with Potential Reviewers

Prior to Inviting Reviewers the DFO will:

- pre-select and contact potential reviewers to establish availability.
- discuss confidentiality and potential conflict of interest with potential reviewers.

The DFO should inform potential reviewers that formal appointments will be approved by the Director, CDC.

Following Appointment of Members and Designation of Chairperson the DFO will provide panel appointees with:

- the list of applications/proposals.
- Conflict of Interest and Confidentiality Certification form (CDC 1215a), at http://intranet.cdc.gov/maso/Eforms/01215A.pdf.

(If conflicts are discovered concerning a grant application(s), that reviewer may not participate in the review of the application(s) in conflict. The reviewer will be disqualified from participating in the meeting if he/she has submitted an application that could be reviewed in this meeting.)

When the number of applications is small (e.g., six or less), or reviewers will participate in a site visit or teleconference, the DFO may verbally describe the application(s) to be reviewed. In such cases, the DFO will:

- provide application number, title, principal investigator's name, applicant institution's name.
- ask potential reviewers if any real or apparent conflict of interest exists.

Written Correspondence to Appointed Reviewers

First Mailing Checklist

The DFO will send:

- Invitation Letter
- A list of applications/proposals to be reviewed
- Conflict of Interest and Confidentiality Certification (CDC 1215A at http://intranet.cdc.gov/maso/Eforms/01215A.pdf) **(Must be signed and returned before applications may be sent to the reviewer)**
- Reviewer's Guide to the Special Emphasis Panel Process (available below)

If no disqualifying conflict exists, appointed reviewers will:

- Fax the completed, signed Conflict of Interest form to the CMPPA SEP Team at 404/498-0011.

- Return the original signed certification to the CMPPA in the business reply envelope provided by the DFO to:

  Committee Management and Program Panels Activity, MASO
  Attn: SEP Team
  Centers for Disease Control and Prevention
  1600 Clifton Rd. m/s E72
  Atlanta, GA 30333

Second Mailing Checklist

After receipt of the completed Conflict of Interest and Confidentiality Certifications forms the DFO will send:

- Transmittal Letter
- Agenda, Roster, and Assignment Sheets
- Logistics information for Reviewers
- Applications

Reviewer's Guide to the Special Emphasis Panel Process

The function of the Special Emphasis Panel (SEP) is to impartially evaluate the merit of applications based on criteria published in the Federal Register announcement. The SEP serves to make recommendations to the CIO Director regarding the quality of each application against published criteria.

As an appointee to the SEP, you should receive the following documents:

- An invitation letter from the designated federal official
- **Conflict of Interest and Confidentiality Certification which must be completed and submitted before you will receive applications to review**
- A copy of the program announcement
- A list of applications assigned to you for review
- A copy of the Reviewer's Guide to the SEP Process (this document)
- An agenda for the panel review meeting
- Objective Review Forms (these will also be sent on a diskette or via e-mail for electronic entry)

(If you have not received any of the listed items, please contact the SEP Technical Monitor or the Designated Federal Official.) The first step in the actual review is to familiarize yourself with the program announcement. The announcement will describe the program and list the evaluation criteria you must use when reviewing your applications. These criteria are the ones published in the Federal Register and the ones on the review forms you will complete.

When you receive your assigned applications

Read the applications you were assigned, keeping in mind the evaluation criteria. Complete a review form for each application, being careful to score the application only against criteria

published in the Federal Register. Be careful not to compare any application with another; compare each application with the published criteria only. Comment on strengths and weaknesses of each criterion, and if you have general comments, note them under the "Other Relevant Comments" or "Recommendations" section on the review form. Also note whether the applicant has addressed any "Other Requirements" (e.g., Human Subjects, Paperwork Reduction, etc.) that may be included in the announcement.

NOTE: Please be sure to document strengths and weaknesses for each criterion. The comments you make will not only be used in making decisions regarding which applications will be funded, but also in defending those decisions in case of protests from unfunded applicants. Weaknesses are especially important. Unless you score a criterion at the highest level ("Outstanding"), you should make note of weaknesses to explain why that criterion did not receive an "Outstanding" score.

Additionally, your comments will be incorporated into the Summary Statement for that application. (The Summary Statement outlines the strengths, weaknesses and recommendations noted by the review panel, is returned to the applicant as feedback to the application, and is held in their official grant file for reference, e.g., to be used for Freedom of Information Act inquiries, Congressional inquiries, and so forth.) Detailed comments from you will assist the applicant in improving subsequent applications.

At the panel review meeting, you will be asked to sign an additional Conflict of Interest form, affirming that you have no vested interest in any applicant organization. If you have a conflict with an applicant, you must leave the room during the discussion and rating of that application; other reviewers must not discuss the application with you.

If you are a primary reviewer, you will present a 10-minute oral summary of your review of the application. This summary will include a BRIEF overview of the application, strengths and weaknesses you noted for each criterion, and your qualitative score (outstanding, very good, good, fair, poor, unacceptable) for each criterion. Your qualitative scores will assist the panel in assigning quantitative scores. If you are the secondary reviewer, you will be asked by the Chairperson to give a 5-minute oral presentation of your review if it differs markedly from, or adds substantially to, that of the primary reviewer.

After presentations by the primary and secondary reviewers, discussion among the panel members will take place, with any clarifications made by the primary and secondary reviewers, technical reviewers, or grants management staff present. The Chairperson will then ask the panel members for a motion concerning the application. It is important that reviewers understand that there are limited grounds for recommending disapproval of an application (disapproval should be reserved for applications that propose unethical procedures or that are completely not responsive to the criteria in the Federal Register), but multiple levels of approval, from unconditional approval to approval with restrictions.

The possible motions can be for approval, approval with recommendations, approval with conditions, disapproval, or deferral.

Approval:

The application is of sufficient merit to be worthy of support based on the review criteria. The vote for approval is equivalent to a recommendation that a grant be awarded provided sufficient funds are available. All voting members voting for approval of the application must score the application.

Approval with Recommendations:

The application is of sufficient merit to be worthy of support based on the review criteria; however, the SEP has identified specific recommendations which they would like presented to the applicant. These issues will be discussed with the applicant during the budget discussions and post award administration of the grant/cooperative agreement.

Approval with Conditions:

The application is of sufficient merit to be worthy of support based on the review criteria; however, the SEP has identified specific concerns which they feel should be addressed by the applicant. These conditions will be discussed with the applicant during the budget discussions and resolved during post award administration of the grant or cooperative agreement.

Disapproval:

The application is non-responsive to the published criteria or otherwise deficient in its scientific, technical, managerial, or other relevant aspects. Disapproval may also be recommended when hazardous or unethical procedures are involved. An application which is disapproved is not scored. The specific reasons for disapproval should be included on the reviewer's evaluation form.

Deferral:

The SEP cannot make a recommendation without additional information or clarification of specific aspects of the application. The Designated Federal Official, in collaboration with the Grants Management Officer, takes the necessary action to obtain the information. The applications must be reconsidered prior to the adjournment of the SEP meeting or a special review must be held to reconsider the application.

Minority Report:

If two or more members disagree with the recommendations of the SEP, the dissenting members must prepare a written minority report. Comments from the minority report will be incorporated in the "strengths/weaknesses" section of the summary statement. A single dissenting member may prepare a minority report if the member wishes to do so. The minority report should include the separate opinions of all dissenting members. There is no need for those members to agree on the reasons for objecting to the application.

After a motion has been made, the Chairperson will ask for a show of hands of those in favor and then opposed. Once a motion has carried, SEP members will assign numerical scores to the applications. All reviewers then submit their scoring sheets to the Chairperson.

The review of applications is confidential; reviews must not be discussed outside the panel meeting.

If you have any questions about the review process, please contact

*(DFO's Name)*_____ at *(Phone #)*_____

Rev. 12/00

7. Tips for Expediting the SEP Process

Below you will find some helpful hints for expediting the SEP process. The SEP team will be updating this page as necessary. If you have any questions please contact Michelle Mathieson, 404.498.1522 or Cheryl Vogel, 404.498.2129.

1. In order to save time, please forward electronic copies of the final draft documents – Appointment Memo, Waivers, amendments, and the Determination to Close – for our review BEFORE you prepared final documents for signatures. This will preclude our having to return documents for revision.

2. In circumstances where the Racial/Ethnic and/or the Geographic breakdowns are not balanced, please provide a paragraph (on the Appointment Memo under the "Discussion" section) to justify your nominees. This is an area that is closely scrutinized and it is worthwhile to answer the question before it is asked.

3. Please provide clear justifications when requesting waivers for either Same City/Same Organization, or Concurrent Service.

4. To be assured that the Federal Register Notice (FRN) is published in a timely manner (15 calendar days prior to the meeting date) we MUST receive your FRN billing information (CDC 0.1214) at least 30 days prior to the meeting date. From this form the SEP Office will generate the FRN for your approval. The approval MUST be in this office a minimum of 21 days prior to the meeting date. NOTE: The FRN does not publish on Federal holidays; therefore, one day should be added to the projected timetable to allow for non-publication days.

5. Meeting sign-in sheets should include two columns for the names of the panel members. The first column should be filled in with the "typed" names of the members, and the second column should be left blank for the member's signatures. This will eliminate confusion as to who attended the meeting. **NOTE: A separate sign-in sheet is required for each meeting date.**

8. Appointment of Members

The Director, CDC, has the delegated authority to appoint members to the Special Emphasis Panel. C/I/Os are encouraged to invite individuals who have not served on a panel in a given year, however, if their expertise is required, members may serve on more than one SEP in a period of one year.

Following the guidelines for member selection –

The DFO will:

- Prepare the **DRAFT** of the MEMO: Request to Appoint Members to Special Emphasis Panel—ACTION, and send it CMPPA for review and approval.
- Prepare the MEMO: Request to Appoint Members to Special Emphasis Panel--Action, and secure the signature/approval of the C/I/O Director. **(typed on appropriate memorandum paper, Times New Roman font, 12 pitch)**
- Submit the signed memo to the CMPPA.

The CMPPA will:

- Verify that all nominees are eligible to serve on a Federal Advisory Committee by reviewing the list of persons determined ineligible by the Office of Research Integrity.
- Review and approve the **DRAFT**.
- Forward the MEMO: Request to Appoint Members to Special Emphasis Panel -- Action for approval to the Director,
- Notify the DFO immediately upon receipt of the approved MEMO so the DFO can begin to initiate communications with the appointed panel members.

Example "Request to Appoint Members to the Special Emphasis Panel": (See page 42)

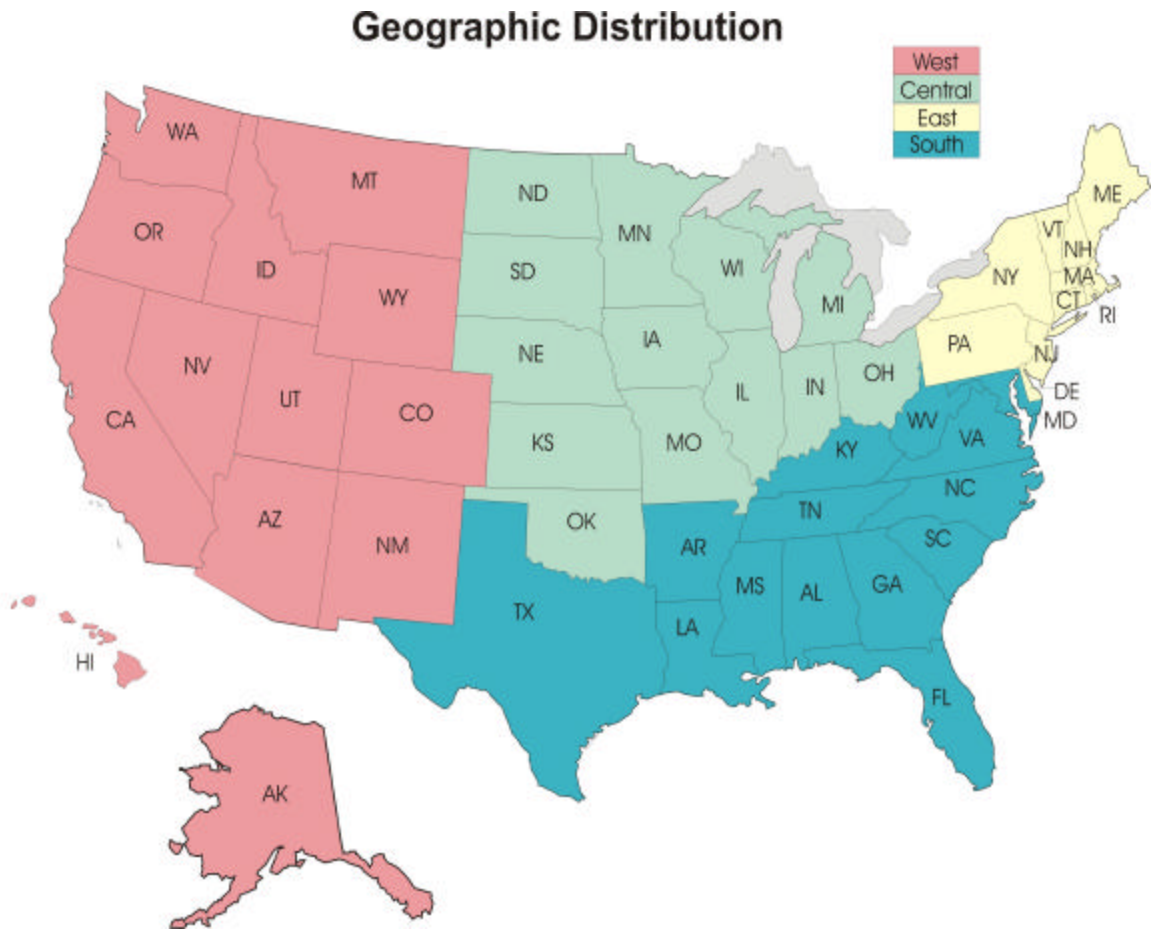
9. Member Selection

To the extent possible, each panel should reflect a balanced membership in geographic breakdown, and minority and gender representation.

Member affiliations should represent a balance between Public Representation (i.e., private industry employee, consultant), State/County/Local Representation, and Federal Representation. ***Please verify status with potential appointees.*** For example, a professor at a state university may or may not be a state employee/representative; an individual who is employed by a Federally funded state, county, or local program could actually be a Federal employee. Federal representation should be kept to a minimum, and individuals who are employed in the Division sponsoring the SEP, or in areas that work very closely with the sponsoring Division, should not be appointed to serve as reviewers.

The annual Committee Balance report, submitted to DHHS by CMPPA, includes the distribution of members by gender, minority status, geographic balance, and frequency with which members were used.

10. Geographic Breakdown



This map is provided for use in developing a balanced membership:

Alabama	South	Louisiana	South	Oklahoma	Central
Alaska	West	Maine	East	Oregon	West
American Samoa	West	Maryland	South	Pennsylvania	East
Arkansas	South	Massachusetts	East	Puerto Rico	South
Arizona	West	Michigan	Central	Rhode Island	East
California	West	Minnesota	Central	South Carolina	South
Colorado	West	Mississippi	South	South Dakota	Central
Connecticut	East	Missouri	Central	Tennessee	South
Delaware	East	Montana	West	Texas	South
Florida	South	Nebraska	Central	Utah	West
Georgia	South	Nevada	West	Vermont	East
Guam	West	New Hampshire	East	Virgin Islands	South
Hawaii	West	New Jersey	East	Virginia	South
Idaho	West	New Mexico	West	Washington	West
Illinois	Central	New York	East	Washington DC	South
Indiana	Central	North Carolina	South	West Virginia	South
Iowa	Central	North Dakota	Central	Wisconsin	Central
Kansas	Central	Ohio	Central	Wyoming	West
Kentucky	South				

If not from the United States or one of its territories, the distribution would be “Other.”

Rev. 04/02

11. Member Compensation

- Travel for SEP members will be processed by the program office sponsoring the SEP. (if the Meeting Support contract is used, the contractor will process the travel using the automated travel system)
- Members outside the Federal government may be compensated at the rate of no more that $250 per day. (does not include travel time)
- Twenty-one days prior to the meeting, the DFO will submit a requisition through their Administrative Office for a purchase order to compensate panel members* for professional services. (if the Meeting Support contract is used, the contractor will compensate the panel members)

*List the name, address, and Social Security Number of each panel member to be compensated at the $250 daily rate.

Justification

Professional Services: The vendor shall provide oral and written comments and recommendations at the *(name of SEP)*

_____

_____

To be held *(date)*_____ at *(location of SEP)*_____

12. Meeting Arrangements

Upon determining the suitability of using the SEP, the DFO will make arrangements for the meeting:

- Meeting Place
- Dates and Times
- All travel arrangements and cost of travel are the responsibility of the DFO and C/I/O. (See Member Compensation)

Note: A site visit or reverse site visit may be conducted as a preliminary meeting to the SEP, to provide expert consultation or advice to the SEP (any number of the panel members may participate in site visits and reverse site visits.)

After initial arrangements are made, the DFO will forward the following documents to the CMPPA according to the timetable in this Guide:

- MEMO: *Request to Appoint Members to SEP* (a Professional Area Breakdown will accompany this document). *See **Appointment of Members** see page 42 for example*
- MEMO: *Determination to Close a Meeting and agenda* (CMPPA reviews the document and forwards through the Office of General Counsel and the Associate Director for Management and Operations, CDC, for clearance and approval). *See **Determination to Close** see page 54 for example and **Government in the Sunshine Act** page11*
- Completed *"Information to Advertise Meeting of SEP in the Federal Register"* sheet (CMPPA prepares the Federal Register notice, obtains appropriate approvals and signatures and forwards to the Federal Register for publication). *(See **Notice of Meeting,** page57)*

Rev. 12/00

13. Notice of Meetings

Federal Register Notice

The **Federal Advisory Committee Act** requires publication of a Notice of Meeting in the Federal Register not less than 15 days before each SEP meeting. Clearance must be obtained at several levels in CDC before a meeting can be advertised.

The DFO will:

- Submit a completed "CDC Information Sheet: Special Emphasis Panel Federal Register Notice" (CDC 0.1214) sheet to the CMPPA 60 days prior to the meeting. A sample of this form can be seen below and by accessing the following link,

  http://basis1.cdc.gov/BASIS/masompb/forms/eforms/DDD/339

Example of CDC Information Sheet: Special Emphasis Panel Federal Register Notice:

Centers for Disease Control and Prevention Information Sheet:
Special Emphasis Panel Federal Register Notice

(Federal Register Notice must be published not later than 15 days before the meeting. Please submit this information to CMPPA not later than 30 days before the meeting.) Billing Code:
Name of CIO and Sponsoring Division: Name of Special Emphasis Panel and Program Announcement Number:
Meeting Date(s):
Starting and ending times:
Location of meeting (complete address including zip code, phone number):
Matters to be discussed:
Designated Federal Official (DFO) Name, Title: Mailing Address: Phone: E-mail Address:

CDC 0.1214 Rev. 3/01

The CMPPA will:

Prepare the Federal Register notice, secure CDC approvals, and coordinate publication in the Federal Register. A sample Federal Register Notice can be seen ***on page57***

14. Meeting

The Federal Advisory Committee Act requires that a Designated Federal Official (DFO) be present at all meetings of a chartered committee.

The DFO will:

- Call meeting
- Approve agenda
- Designate chair
- Adjourn meeting
- Prepare minutes for certification by chair

DFO Checklist for the review meeting:

- Meeting Arrangement Sheet -- list of grant applications to be reviewed.
- Provide instructions about confidentiality and conflict of interest.
- Obtain each member's signature on the "Conflict of Interest and Confidentiality of Information Certification" **(CDC 0.1215B)** at the beginning of the meeting.
- Provide Chairperson Script to Panel Chairperson *(Sample on page 33)*

15. Chairperson's Script for Special Emphasis Panels

1. Make Introductions and Declare the Special Emphasis Panel (SEP) in Session

2. Review Purpose and Role of the SEP:

The role of the SEP is to perform an objective review of cooperative agreement or grant applications. The term objective review, as used for this meeting, means a thorough examination of applications to provide advice to awarding officials based on an evaluation of the scientific or technical merit of applications. The SEP accomplishes this by reviewing applications and voting to approve or disapprove based on the published review criteria.

Your comments on the budget are appropriate and welcomed but should not be considered in arriving at a decision to approve or disapprove the application.

Program technical comments are for reference only. It is your responsibility to arrive at a decision to recommend approval or disapproval of an application based only on information contained within the application.

3. Conflict of Interest:

Introduce Grants Management Specialist who will reaffirm that no member has a conflict of interest (or that individual members will abstain from discussion and voting on any application where a conflict might exist).

Examples of conflicts:

- A member who has recently been or will be on detail or affiliated with the applicant organization;
- A member who provided assistance to the applicant in the development of the application or will serve as project officer; or
- A member who has a financial interest or close relatives associated with the applicant organization.

4. Ensure members have received relevant materials.

5. Operating Procedures for Objective Review:

You were requested to bring an original and two copies of your review of the applications you were assigned. If you did not bring the extra copies, please let me know so we can have the facilitator copy them for us. These copies will assist the recorder and me in preparing the summary of today's discussions.

For each application, I will ask the primary reviewer to give us an oral summary of what the applicant proposes to do and to discuss his/her assessment of the merits of the application against each individual criterion. We have allotted approximately 10 minutes for this. Following the primary reviewer's presentation, I will ask the secondary reviewer to address any issues on which you differ from the primary or any issues on which you would like to share additional information. Following both presentations, panel members will have an opportunity to discuss the application, to ask questions of the primary, secondary, or program representative. (I remind everyone to restrict their comments to those issues addressed in the application.) Grants management staff is available to assist should any grants related issues arise. Following discussion, I will call for a motion and a second. I will then restate the motion and ask for any discussion on it. I will then call for a vote. I will vote on all applications OR (I will vote only in the case of a tie vote). If a motion for approval passes, I will then ask the primary and secondary reviewers to share their

qualitative rating for each criterion. The other voting panel members may use these scores as a guide in arriving at their numeric score for each criterion. I will then ask that all panel members sign and date their scoring sheets and submit them to me (or the facilitator). If two or more panel members vote in the minority, you must prepare a minority report stating the reasons for differing with the majority opinion. You may submit a consolidated minority report or you may each submit one individually, using the scoring sheet.

6. Post objective review:

A summary of the SEP's findings and recommendations will be prepared and provided to members upon request.

Review materials and proceedings of the objective review are privileged information and are not to be revealed or discussed outside the SEP.

Rev. 12/00

16. Roles and Responsibilities

The Center/Institute/Office using the SEP will identify a Designated Federal Official to assume overall responsibility for each SEP meeting. As required by the Federal Advisory Committee Act (FACA), responsibilities are as follows:

Designated Federal Official (DFO)

Before the meeting:

- Approves plans to hold a review.
- Coordinates logistical arrangements for the meeting, including, when necessary, arranging for travel and overnight accommodations for panel members.
- Coordinates financial arrangements for compensation, travel and per diem of panel members.
- During Member Selection process, assures appropriate representation of women and minorities and a balanced geographic distribution among participants of individual SEP meetings.
- Coordinates submission of the following to the Committee Management and Program Panels Activity (CMPPA):
    - MEMO: Request for Determination to Close, and meeting Agenda.
    - Federal Register Notice Information Sheet.
    - MEMO: Request to Appoint Members to Special Emphasis Panel -- Action.
- Arranges for resource persons and supplementary materials to assist the panel members in dealing with agenda items.
- Coordinates issuance of letters of invitation and conflict of interest statements to reviewers after panel members have been appointed by the Director, CDC. Conflict of Interest Form can be found at: **http://basis1.cdc.gov/BASIS/masompb/forms/eforms/DDD/1365**
- Reviews members' conflict of interest statements in conjunction with applications to be reviewed to determine whether any member(s) should be disqualified from reviewing a given application.
- Coordinates mailing of review documents and notification of members as to the date(s), time, and place of the review meeting.

During the Review Meeting:

- Ensures the panel conducts its business in accordance with all applicable regulations, policies, and procedures.
- Adjourns the meeting when such adjournment is in the public interest or in the best interest of the government.
- Ensures Meeting Minutes are recorded *see example page 60*

Within 14 calendar days after the Review Meeting DFO submits reports to the CMPPA:

- Compensation Report including travel and per diem figures.
- Minutes of the Review certified by the Chairperson.
- A complete Roster of Members participating in the Review.

Executive Secretary (ES): The CDC/ATSDR Committee Management Officer serves in the capacity of Executive Secretary of the SEP program and ensures that the CMPPA will:

- Review and secure timely approval of the MEMOs "Request for Determination to Close," and "Request to Appoint Members" .
- Prepare and submit the Federal Register Notice in adequate time to assure publication not less than 15 calendar days prior to the Review.
- Prepare Determination to Close.
- Receive and forward copies to the DFO of all conflict of interest statements.
- Collect and compile data for the reports: "Quarterly Compensation Report," and "Quarterly Schedule of Meetings."

Additional Responsibilities of the CMPPA:

- Prepare and submit the President's Annual Report on Federal Advisory Committees to HHS for transmission through the General Services Administration. (The Report includes information on activities, all costs for the year, membership, workload, site visits, and staffing);
- Prepare the Annual Report to the Secretary, including rosters and minutes of every meeting of the SEP, with a copy to the Library of Congress for public inspection and use;
- Prepare the annual Public Health Service Report, including functions of each committee, all meeting dates for the calendar year, and membership rosters;
- Prepare the annual Committee Balance Report to DHHS in the aggregate by SEP, including distribution of reviewers by gender, minority status, geographic balance, and frequency with which reviewers were used;
- Maintain official file of the SEP.

Rev 02/00

17. Roster/Sign-in Sheet

Sign-In Sheet

A roster and sign-in sheet of all members who served on the panel must be submitted for each SEP meeting and should be attached to the meeting minutes. The CMPPA will enter the information from the roster into a database of SEP members.

Example of "Conflict of Interest and Confidentiality of Information Certification"

Centers for Disease Control and Prevention

Conflict of Interest and Confidentiality of Information

The Disease, Disability, and Injury Prevention and Control Special Emphasis Panel:

_____

_____

Meeting Date(s):_____

This will certify that in the review identified above, I did not participate in the evaluation of any grant or cooperative agreement application from: 1) any organization, institution, or university system in which a financial interest exists to myself, my spouse, parent, child, or collaborating investigators; 2) any organizations in which I serve as officer, director, trustee, employee, or collaborating investigator; or 3) any organization with which I am negotiating or have any arrangements concerning prospective or other such associations.

Moreover, I fully understand the confidential nature of the applications and committee discussions related thereto and agree: 1) to destroy or return all review-related materials; 2) not to discuss these materials and the review proceedings with any individual except the Designated Federal Official; and 3) to refer all inquiries made of me concerning any aspect of the review proceedings to the Designated Federal Official.

(Printed Name)	Signature)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

CDC 0.1215B Rev 5-95

Roster

The roster may be in any format convenient to the program (e.g., list, table) as long as all of the following information is furnished:

Panel Member's name and degrees

Title (in organization)

Department (in organization)

Organization name

Organization address

Organization city/state/zip

Phone number

FAX number

E-mail address

Please attach to sign-in sheet and minutes when forwarding to CMPPA.

18. Special Emphasis Panel Process Timetable

Use this as a reference to activities, responsibility delegation and scheduling, from the pre-review decision to hold a panel, through post-review activities. The timetable depicts all steps described in this Guide. For automated Timetable see:
http://intranet.cdc.gov/maso/cmppa/SEPTIMETABLE.xls

For further information, please call the Committee Management and Program Panels Activity, MASO:

Michelle Mathieson (404.498.1522),

Cheryl Vogel (404.498.2129) or

Yolonde Holt (404.498.0138), Committee Management Specialists.

Burma Burch, CDC/ATSDR Committee Management Officer (404.498.0135).

Calendar Days Until Meeting	Activity
60+ Days	**DFO/CIO** • Contact CMPPA as soon as it is known that a SEP will be held • Determine panel size; date/time/place • Submit preliminary list of panel members to CMPPA **CMPPA** • Review preliminary list to determine whether any potential panel members are barred from participation by the HHS Office of Research Integrity (for reasons including license revocation; program-related convictions; patient abuse convictions; controlled substance convictions; health care fraud; scientific misconduct) • Determine whether Department waivers are required (concurrent service on more than one CDC/ATSDR Federal advisory committee; two individuals employed by the same organization in the same city)
60 Days	**DFO/CIO** • Contact potential panel members to determine availability and willingness to serve, if appointed
53 Days	**DFO/CIO** • Prepare "Request to Appoint Members" and "Professional Area Breakdown" documents (e-mails documents to CMPPA for review) Submits Appointment documents in final for signature in CIO (after review by CMPPA); once signed in CIO, submits original signed Appointment documents to CMPPA

50 Days	**DFO/CIO** • Prepare "Request for Determination to Close a Portion of a Special Emphasis Panel," Agenda, and "Determination" documents (e-mails documents to CMPPA for review) • Submit Federal Register Notice information to CMPPA • Submit Determination documents in final for signature in CIO (after review by CMPPA); once signed in CIO, submits original signed Determination documents to CMPPA **CMPPA -** Route Determination documents for approvals • Prepare Federal Register notice; holds pending approval of Determination to Close
46 Days	**OGC** • Review Determination to Close
43 Days	**ADMO** • Approve and sign Determination to Close
41 Days	**CMPPA** • Submit Federal Register Notice with approved Determination to Close to Director, MASO for approval • Submit Federal Register Notice to the Federal Register for publication
36-20 Days	**Federal Register** • Publish Notice of Meeting (Federal Register Notices for Federal advisory committee meetings, including SEPs, may be published well in advance of the meeting, but not less than 15 days before the meeting, as required by the Federal Advisory Committee Act.)
31 Days	**Director, CDC** • Appoint panel members **CMPPA** • Notify DFO/CIO of Appointment approval
28 Days	**DFO/CIO sends first correspondence to panel members:** • Welcome/Invitation Letter • Conflict of Interest and Confidentiality forms (Instructs panelists to return completed Conflict of Interest forms to CMPPA by fax and mail.) • Reviewer's Guide to the Special Emphasis Panel process
25 Days	**PGO** • Receive applications

22 Days	**CMPPA** • Receive Conflict of Interest and Confidentiality documents from panelists • Notify DFO by e-mail and sends copies of Conflict of Interest forms to DFO
21 Days	**DFO/CIO** • Submit requisition for PO to reimburse members
19 Days	**DFO/CIO sends second correspondence to panel members:** • Agenda, roster, assignment sheets • Logistics information for reviewers • Applications
MEETING	**MEETING**
1-14 Days after meeting	**DFO/CIO** • Submit Compensation Report, Minutes, and Roster to CMPPA

Rev 12/00

19. Appointment Memo (and Amended Memo)

DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service
Centers for Disease Control
and Prevention (CDC)

Example of Appointment Memo

Memorandum

NOTE: Please forward the electronic version of the final draft to the SEP Office for review and approval, **before** you have them signed.

Date: November 14, 2002

From: Director, National Institute for Occupational Safety & Health

Subject: Request to Appoint Members to Special Emphasis Panel -- ACTION

To: Julie Louise Gerberding, M.D., M.P.H.
Director, Centers for Disease Control & Prevention

ISSUE

The Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP) will hold a meeting on June 12-13, 2003, to review, discuss, and evaluate applications received in response to Program Announcement #99999, Workplace Violence Prevention Research. The applications being reviewed include information that requires the expert evaluation of safety and health specialists, health educators, community representatives, and behavioral scientists.

DISCUSSION

The nominees listed below possess the necessary expertise and represent a geographic, demographic, and gender balance. If all nominees are approved, female and minority representation would be as follows: (if Racial/Ethnic, Gender, or geographic breakdown is not balanced, you must include a paragraph to explain) see page 46

Female: 51% (20 of 39 nominees)
Minority: 35% (14 of 39 nominees)
5% Hispanic (2 of 13)
5% Asian/Pacific Islander (2 of 13)
2% Native American (1 of 13)
23% Black (9 of 13)

Public Representation: 35% (13 of 39)
State/County/Local Representation: 37% (15 of 39)
Federal Representation: 28% (11 of 39)

Geographic Breakdown:
West 26%
Central 22%
East 26%
South 26%

Panel (list names in alphabetical order)

Xxxxx, Amalia
Xxxxx, Barbara
Xxxxxi, Sharon
Xxxxx, Shaunette
Xxxxx, Theresa
Xxxxx, Ken*
Xxxxx, Melanie

*Proposed Chair

Xxxxx, Lorna
Xxxxx, Angela
Xxxxx, Rubie
Xxxxx, Michael
Xxxxx, Douglas
Xxxxx, Vincent

(continue to list all names as they appear on the nomination list)

RECOMMENDATION

It is recommended that the above list of proposed reviewers be formally appointed to serve on the Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Workplace, Violence, Prevention Research Program Announcement #99999.

DECISION

Approved _____ Date _____

Disapproved _____ Date _____

[Authorized CIO signature, degree(s)]

Attachment:

Professional Area Breakdown

Nomination List For:

Disease, Disability, and Injury Prevention and Control

Special Emphasis Panel Meeting

Workplace Violence Prevention Research, PA# 99999

June 12-13, 2002

Name	Race	Gender	Organization	Expertise	City	State
Xxxxx, Amalia	W	F	Oregon Health Department	CPG on minority issues	Salem	OR
Xxxxx, Barbara	API	F	Multicultural AIDS Coalition	TA needs for CPG knowledge	Boston	MA
Xxxxx, Sharon	API	F	CDC/ATSDR	Nurse Administrator	Macon	GA
Xxxxx, Shaunette	API	F	CDC/NCIPC	Public Health Advisor	Savannah	GA
Xxxxx, Theresa	H	F	CDC/NCID	Medical Officer III	Augusta	GA
Xxxxx, Ken*	H	M	CDC/NCID	Public Health Professional	Atlanta	GA
Xxxxx, Melanie	API	F	CDC/NCCDPHP	Public Health Advisor	Atlanta	GA
Xxxxx, Lorna	API	F	CDC/NCCDPHP	Public Health Advisor	Atlanta	GA
Xxxxx, Angela	API	F	Health Crisis Network, Miami	CPG workgroup member	Miami	FL
Xxxxx, Rubie	W	F	Human Resour. Hlth Dept.	CPG experience	Conyers	GA
Xxxxx, Michael	API	M	Community Partnership	CPG co-chair	Hershey	PA
Xxxxx, Douglas	W	M	D.C. Health Department	CPG co-chair		DC
Xxxxx, Vincent	W	M	CDC/ATSDR	Public Health Professional	Atlanta	GA
Continue listing all names, race, gender, organization, expertise, city and state.						
*Proposed chair						

REFERENCE INFORMATION: ACRONYM PREFERENCE* Race and National Origin Identification:

1-Asian/Pacific Islander (API)*
2- White (W)*
3- Black (B)*
4-American Indian/Alaska Native (AI/AN)*
5- Hispanic (H)*
12-Other or Unknown (O)*

***number codes are for reference only/do not include – use alpha as indicators**

Gender Identification:
F - Female
M - Male

Rev. 2/00

Composition of Panel

"Member affiliations should represent a balance between Public Representation (i.e., private industry employee, consultant), State/County/Local Representation, and Federal Representation. Federal representation should be kept to a minimum, and individuals who are employed in the Division sponsoring the SEP, or in areas that work very closely with the sponsoring Division, should not be appointed to serve as reviewers.

To the extent possible, each panel should reflect a balanced membership in geographic breakdown, minority, and gender representation.

The GSA Final Rule Subpart B, Section 102-3.60(b)(3) states: "An agency's plan to attain fairly balanced membership…[is to] ensure that in the selection of members for the advisory committee, the agency will consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the advisory committee. Advisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed." Appendix A to Subpart B of the Final Rule provides the factors that should be considered in achieving a "fairly balanced" advisory committee membership. Those factors are: "(i) the advisory committee's mission; (ii) **the geographic, ethnic, social, economic, or scientific** impact of the advisory committee's recommendations; (iii) the types of specific perspectives required…(iv) the need to obtain divergent points of view on the issues before the advisory committee; and (v) the relevance of State, local, or tribal governments to the development of the advisory committee's recommendations."

Furthermore, two of DHHS' own publications state that diversity factors should be considered when attempting to "fairly balance" a Federal advisory committee. First, HHS General Administration Manual Chapter 9-00-70(B)(3) states: "Department policy provides that membership will be (a) fairly balanced in terms of the points of view represented and the functions to be performed; (b) **composed of as equitable geographic, ethnic and gender representation so long as the effectiveness of the committee is not impaired**; (c) selected without discrimination on the basis of age, ethnicity, gender, sexual orientation, disability or cultural, religious, or socioeconomic status; and (d) appointed in such a manner as to assure an orderly rotation of the members' terms." Second, the Department Committee Management Handbook, Part III, states: "Department policy provides that committee membership will be fairly balanced in terms of points of view represented and the committee's function. **Consideration will be given to a broad representation of geographic areas, females, ethnic and minority groups, and the handicapped**."

The annual Committee Balance report, submitted to DHHS by CMPPA, includes the distribution of members by gender, minority status, geographic balance, and frequency with which members were used.

We realize that it is not always possible to reach balance; therefore, a justification paragraph explaining how you went about selecting your panel and why balance was not attainable is required as part of the Appointment Memo.

Amended Appointment Memo

If it becomes necessary to appoint additional members to your panel, an Amended Appointment Memo is required. The process is the same. Submit names of proposed panel members for approval. Once approval is received send the **DRAFT** electronically to MASO for review.

The memo is the same with these changes/additions:

1. Subject of memo will read:
   "Amended Request to Appoint Members to a Special Emphasis Panel – ACTION"

2. In the "Discussion" portion of the memo a paragraph must be inserted to explain and justify the amendment. An example would be:

   "This is an amended request to appoint a new member to the SEP Panel. An existing appointee resigned due to family illness emergency and we wish to nominate a replacement. Although we submitted and you approved alternate member to this panel, this individual's expertise in a specific discipline cannot be replaced by an alternate."

3. Make any changes necessary to the Racial/Ethnic/Gender/Geographic Breakdown.

4. Attach a new List of Proposed Panel Members, and **BOLD** the name of the additional name(s).

See page 48 for example

Example Amended Appointment Memo

Memorandum

NOTE: Please forward the electronic version of the final draft to the SEP Office for review and approval, **before** you have them signed.

Date: November 14, 2002

From: Director, National Institute for Occupational Safety & Health

Subject: Amendment to Request to Appoint Members to Special Emphasis Panel -- ACTION

To: Julie Louise Gerberding, M.D., M.P.H.
Director, Centers for Disease Control & Prevention

ISSUE

This is a request to amend the membership of the National Center for Infectious Diseases' "Applied Research on Antimicrobial Resistance" Special Emphasis Panel (SEP) that will hold a meeting August 16, 2002, to review, discuss, and evaluate applications received in response to Program Announcement #01066. Due to circumstances beyond her control, Dr. Mary Jane Xxxxx declined service to the panel and Dr. Kathryn Xxxxx agreed to fill the vacancy. The proposed changes in the panel (highlighted below and on the attached list of reviewers) maintain the expertise required for this SEP and the panel composition as previously approved.

DISCUSSION

Few persons have the array of expertise that is required to best evaluate the applications received in response to the program announcement. This needed expertise lies in reviewers having backgrounds in antimicrobial resistance, prevention and control, epidemiology, infection control, microbiology, and molecular biology. An extensive search for panelists possessing this expertise was conducted. However, the search was also limited because several organizations from which nominees were solicited were also submitting applications, or nominees declined due to previously scheduled meetings or vacations, narrowing the field of possible panel participants.

The nominees listed below possess the necessary expertise and represent the best geographic, demographic, and gender balance possible, in view of conflicts of interest and scheduled annual meetings and summer vacations. If all nominees are appointed, member representation would be as follows:

Female: 37% (11of 30)
Minority: 40% (12 of 30)
20% Black (6 of 30)
10% Hispanic (3 of 30)
10% Native American/Alaska Native (3 of 30)

Public Representation:		56% (17 of 30)
State/County/Local Representation:		10% (3 of 30)
Federal Representation:		33% (10 of 30)
Geographic Representation:	West	27% (8 of 30)
	Central	23% (7 of 30)

NOMINEES:
Gregory Xxxxx**
Kathryn E. Xxxxx
Timothy Xxxxx
Naomi Xxxxx
Lorna Bozeman
P. Joan Xxxxx
William Xxxxx
Barry Xxxxx
Mary Jane Xxxxx **- Declined (July 27, 2001)**
Neil O. Xxxxx
Pierce Xxxxx
Kathryn Xxxxx **- New nominee (July 27, 2001)**
Kathleen F. Xxxxx
Dale N. Xxxxx
Kate Xxxxx
Janet Xxxxx
Robert Xxxxx
Richard E. Xxxxx
Fred Xxxxx
Marilyn Xxxxx
Elaine Xxxxx
William J. Xxxxx
Thomas O'Brien
Edward J. Xxxxx
Lance Xxxxx
Morris Xxxxx
Charles Xxxxx *
David S. Xxxxx Xxxxx
Kenneth S. Xxxxx
Dennis P. Xxxxx
Thomas T. Xxxxx
**Proposed Chairpersons

RECOMMENDATION
It is recommended that the above list of proposed reviewers be formally appointed to serve on the Applied Research on Antimicrobial Resistance [Program Announcement #01066] Special Emphasis Panel (SEP).

[Authorized CIO signature, degree(s)]

DECISION
Approved _____ Disapproved _____ Date _____

Attachment:
Professional Area Breakdown

DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service
Centers for Disease Control
and Prevention (CDC)

Example Department Waiver for Same organization in the same city

Memorandum

NOTE: Please forward the electronic version of the final draft to the SEP Office for review and approval, **before** you have them signed.

Date: December 18, 2003

From: Director, National Institute for Occupational Safety and Health

Subject: Request to Waive Department Policy Regarding Two Committee Members from the Same Organization in the Same City

To: Alvin Hall
Director, Management Analysis and Services Office

I am requesting exceptions be made to Department Policy to allow Catherine Xxxxx, Francis Xxxxx, and Juhua Xxxxx to serve on the CDC, National Institute for Occupational Safety and Health Special Emphasis Panel (SEP): Cooperative Agreements for Community Partners for Healthy Farming Intervention Research, PA #99999. Inclusion of these three persons would mean there would be two persons each from three different institutions on this SEP.

An extensive search was made to obtain qualified candidates for this panel with education and expertise in rural public health, occupational safety and health in agriculture, agricultural engineering, Cooperative Extension, small minority farmers, evaluation of interventions, agricultural education, and stress and who are available and willing to dedicate time to this review. Finding qualified persons able to serve was further complicated because many of those with the expertise to serve could not because they are submitting an application themselves. The individuals discussed here have backgrounds in various areas related to the expertise needed on this panel.

Both Catherine Xxxxx, Ph.D., M.P.H. and Thomas Xxxxx, Ph.D., who is also a proposed nominee for this panel, are from Ohio State University (OSU). Dr. Xxxxx is Associate Professor in the School of Public Health and is highly recognized for her expertise in public health and in stress. Dr. Xxxxx is an agricultural safety engineer and Extension Safety Leader in the Food, Agriculture, and Biological Engineering Department with strong expertise in agricultural safety, agriculture education, and cooperative extension.

Both Frances Xxxxx, R.N., Ed. and Carey Xxxxx, Ph.D., who is also a proposed nominee for this panel, are African Americans from Alcorn State University. Dr. Xxxxx is Dean of the School of Nursing and has expertise in rural health, education, and community-based agricultural health projects. Dr. Xxxxx is Associate Professor of Agricultural Education with expertise in agricultural education, cooperative extension, evaluation and problem solving in education, and priorities of small farmers.

Both Uhua Xxxxx, Ph.D., and Lorann Xxxxx, Ph.D., who is also a proposed nominee for this panel, are from Colorado State University. Dr Xxxxx is Asian and in the Department of Chemical and Bioresource Engineering. His expertise is related to tractor safety, whereas Dr. Xxxxx is Director of the Colorado Injury Control Research Center and has expertise in injury control and evaluation.

In view of the foregoing, it is requested that you grant this waiver for the service of all six of these individuals on the SEP to he held in response to Program Announcement #99999.

[Authorized CIO signature/degree(s)]

Approved: _____ Disapproved: _____ _____ _____

Director, MASO Date

Example department waiver for service on two committees concurrently

Memorandum

NOTE: Please forward the electronic version of the final draft to the SEP Office for review and approval, **before** you have them signed.

Date: December 18, 2003

From: Director, National Institute for Occupational Safety and Health

Subject: Request for Waiver of Department Policy Regarding Service on Two Committees Concurrently

To: Alvin Hall
Director, Management Analysis and Services Organization

I am requesting that an exception be made to Department Policy to allow Sara Xxxxx, R.N., Ph.D., to serve on the CDC Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Community Partners for Healthy Farming (Intervention), PA #99999. This panel willl convene on June 2-3, 2003, to objectively review NIOSH training grants undergoing competitive review for award in 2003. Dr. Xxxxx is currently serving on the Advisory Committee on Injury Prevention and Control for a term that began October 5, 1999, and ends October 31, 2003.

An extensive search was made to obtain qualified candidates for this panel with education and expertise in occupational health and safety, health and cultural issues for Hispanic workers, with experience in reviewing competitive grants and who are available and willing to dedicate time to this review. Dr. Xxxxx is a registered nurse and nurse practitioner with an extensive research and publication record that includes cultural and health issues related to the Hispanic community. She is currently chairperson of a department of psychiatric and community health nursing as well as acting chair for maternal & child health. This experience will be particularly valuable in reviewing the wide diversity of cooperative agreements dealing with community-based intervention research which are expected to include Hispanic workers and children.

In view of the foregoing, it is requested that you grant this waiver allowing Dr. Xxxxx to be appointed to serve on the Special Emphasis Panel to be held June 2-3, 2003.

[Authorized CIO signature/degree(s)]

Approved:_____ Disapproved: _____ _____ _____

Director, MASO Date

21. Determination to Close

DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service
Centers for Disease Control
and Prevention (CDC)

Example of Determination to Close

Memorandum

NOTE: Please forward the electronic version of the final draft to the SEP Office for review and approval, **before** you have them signed.

Date: November 14, 2002

From: Director, National Center for HIV, STD, and TB Prevention

Subject: Request for Determination to Close Portions of the Meeting to Review Applications Received in Response to Program Announcement #99999

To: Alvin Hall
Director, Management Analysis and Services Office

ISSUE

A Special Emphasis Panel (SEP) will be held March 8, 2003 to review, discuss, and evaluate applications received in response to Program Announcement #99999, Competitive Supplemental Funds for Comprehensive STD Prevention Systems: Monitoring STD Prevalence and Reproductive Health Services For Adolescent Women in Special Settings. The meeting will concern subject matter considered confidential under the terms of Section 552b(c)(4) and (6), Title 5, U.S.C., and Section 10(d) of Public Law 92-463. Accordingly, I request that portions of this meeting be closed to the public.

DISCUSSION

The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement #99999, Competitive Supplemental Funds for Comprehensive STD Prevention Systems: Monitoring STD Prevalence and Reproductive Health Services for Adolescent Women in Special Settings. The applications being reviewed include information of a confidential nature, including personal information concerning individuals associated with the applications.

RECOMMENDATION

It is recommended that the attached Determination to Close the review of applications portion of the March 8, 2003 SEP meeting be signed.

[Authorized CIO signature/degree(s)]

Attachments:

Determination to Close *(see page 55)*

Agenda *(see page 56)*

DETERMINATION

Date(s) of Meeting: _____

Name of Panel: _____

_____

Announcement #: _____

A portion of the above meeting of the Disease, Disability, and Injury Prevention and Control Special Emphasis Panel involves the review, discussion, and evaluation of applications received in response to the cited solicitation. The applications being reviewed include information of a confidential nature, including personal information concerning individuals associated with the applications. For these reasons and pursuant to 5 U.S.C. Section 552b(c)(4) and (6), portions of this meeting are closed to public observation and any confidential information pertaining to the meeting will not be disclosed.

Therefore, pursuant to the delegation of authority from the Assistant Secretary for Health effective February 8, 1995, to the Director, Centers for Disease Control and Prevention (CDC), redelegated to the Deputy Director for Program Management, CDC, effective January 25, 2002, redelegated to the Associate Director for Program Services, CDC, effective January 25, 2002, redelegated to the Director, Management Analysis and Services Office, CDC, effective January 28, 2002, it is hereby determined in accordance with the provisions of Section 10(d) of Public Law 92-463 (5 U.S.C. App. 2) that a portion of the meeting referred to above will be closed as indicated.

_____ _____

Date Director, Management Analysis and Services Office

http://basis1.cdc.gov/BASIS/masompb/forms/eforms/DDD/1680

Agenda example:

Disease, Disability, and Injury Prevention and Control

Special Emphasis Panel Meeting:

(Name of SEP)

(date)

Double Tree Hotel

3342 Peachtree Road, NE

Atlanta, GA 30043

404-555.-1212

AGENDA

(Open to the Public)

9:00 a.m. – 9:30a.m.	Welcome/Introduction

(Closed to the Public)

9:30 a.m.	Evaluation of Applications
4:30 p.m.	Adjourn

22 – Federal Register Notice

Example Federal Register Notice: BILLING CODE:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control **Special Emphasis Panel**: Cooperative Agreement for Community Partners for Healthy Farming (Intervention), Program Announcement 99999.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following meeting:

NAME: Disease, Disability, and Injury Prevention and Control **Special Emphasis Panel** (SEP): Cooperative Agreement for Community Partners for Healthy Farming (Intervention), Program Announcement 99999.

TIMES AND DATES: 8 a.m. - 9 a.m., June 2, 1999 (Open).

9 a.m. - 4:30 p.m., June 2, 1999 (Closed).

8 a.m. - 4:30 p.m., June 3, 1999 (Closed).

PLACE: Centers for Disease Control and Prevention, 1600 Clifton Rd., Atlanta, GA, Building 2, Auditorium A.

STATUS: Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92-463.

MATTERS TO BE DISCUSSED: The meeting will include the review, discussion, and evaluation of applications received in response to PA #99999.

CONTACT PERSON FOR MORE INFORMATION: Price Connor, Ph.D., National Institute for Occupational Safety and Health, CDC, 1600 Clifton Road, N.E., m/s D30 Atlanta, GA 30333. Telephone 404/639-2383, e-mail spc3@cdc.gov.

The Director, Management Analysis and Services office has been delegated the authority to sign Federal Register notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated:

_____

Alvin Hall
Director, Management Analysis and Services Office,

CDC:
Prepared by
Doc:
Spelling verifier used by

(The FRN will be prepared by CMPPA Office)

Federal Register Notice Authorization Form

After CMPPA completes the FRN, we will send it to you electronically along with the approval form as shown below. This form does not require an original signature—just type in the required information and return to us electronically.

FRN Approval Form:

I have read and approve the contents of the attached Federal Register notice announcing the Interventional Epidemiologic Research Studies to Reduce Mother-to-Child HIV-1 Transmission and Improve Infant Survival in Resource-Limited Countries of High HIV-1 Seroprevalence meeting on August 28, 2002. I approve the use of the following Federal Express account number: 1957-3428-3. Please accept this e-mail as my authorization for publication.

Name: John Q. Public
Title: Associate Director for Management and Operations, ***CIO***
Date: 00/00/0000

This form will be sent to you, from CMPPA, along with the FRN

23. Panel Meeting Minutes

The DFO ensures detailed minutes are kept

Minutes will contain:

- Dates and times of meeting
- Location of meeting
- Membership roster
- Names of others in attendance
- Signatures of Panel Chairperson and DFO, certifying accuracy
- Total number and types of grants reviewed
- Total dollars requested
- Total number of applications and dollar amounts favorably recommended
- Total number of applications and dollar amounts not recommended for further consideration
- Total number of applications and dollar amounts recommended for deferral

The original signed minutes will be filed in the official meeting file in the Committee Management and Program Panels Activity. The minutes and roster are due within **14 days** following the review. ***(example on page 60)***

Example of meeting minutes:

Centers for Disease Control and Prevention
Minutes of the
Disease, Disability, and Injury Prevention and Control
Special Emphasis Panel: (Name of Panel)

(Date)

The meeting of the Disease, Disability, and Injury Prevention and Control Special Emphasis Panel: (**NAME OF PANEL**) was convened on (**date**) at (**time**), at the (**full address**). _____ presided as Chair. The attached roster includes all members of the panel. Others in attendance included: (**list**).

This meeting was closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Pub. L. 92-463. The Designated Federal Official explained policies and procedures regarding avoidance of conflict of interest situations, voting and priority ratings; and confidentiality of application materials, committee discussions, and recommendations.

The Committee reviewed ____ applications requesting $_____ in support. _____ applications were recommended for $_____ in support and _____ applications were judged to be noncompetitive (NC).

ADJOURNMENT

The meeting was adjourned at _____ on _____.

CERTIFICATION

I hereby certify that the foregoing minutes are accurate and complete.

_____ _____

Date Chairperson (Name)

_____ _____

Date Designated Federal Official (Name)

Attachment: Roster ***(see page 37)***

Rev 12/00

24. Compensation Report

Within 45 days after the close of the meeting, the DFO/CIO should submit a completed Compensation Report (CDC 0.1216) to the CMPPA.

The following information is needed to complete the report:

- Name of Special Emphasis Panel (SEP)
- Date(s) of SEP
- Total Number of Panel Members (report total Federal members and total non-Federal members)
- Number of Panel Members Paid (not all members accept compensation)
- Total Number of Days for Which Paid
- Total Amount Paid
- Travel and Per Diem Payments
- Non-Federal Panel Members (amount paid)
- Federal Panel Members (amount paid)
- Federal Staff (amount paid)

Amount paid to members serving on CDC and ATSDR Federal Advisory Committees = $250 per day.

The completed form should be returned within 45 days to: Committee Management and Program Panels Activity, MASO Attn: SEP Team, Executive Park 22, MS E72.

Rev. 11/00

Example Compensation Report on page 62

Example Compensation Report

Centers for Disease Control and Prevention
Special Emphasis Panel
Compensation Report

The Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP)
***< insert meeting name and SEP #>*:**

Date(s) of SEP:	**Total # of Panel Members:** (including chair) **Total # of non-Federal Panel Members:**	
# of Panel Members Paid*:	**Total # of Days Paid**:**	**Total Amount Paid:** $

*All members do not accept compensation.

**Total number of days equals the Total Number of Panel Members X Total Number of Meeting Days

Amount paid to members serving on CDC and ATSDR Federal Advisory Committees = $250 per day. Members are paid for any days the whole group convenes, including portions of the day (i.e., Orientation Session the night before the actual review).

Travel and Per Diem Payments

Non-Federal Panel Members	**Federal Panel Members**	**Federal Staff**
$	$	$

CDC 0.1216 rev 2/00

25. Official File

The Official File for all SEP meetings will be maintained by the Committee Management Program Panels Activity (CMPPA), MASO.

Official File Checklist

- Federal Register Notice
- Determination to Close the Meeting
- Appointment Memo
- Conflict of Interest Forms Originals (Signed prior to SEP meeting) (CDC Form 1215a)
- Conflict of Interest and Confidentiality of Information (Signed at the SEP Meeting) (CDC Form 1215b)
- Meeting Roster (CDC Form 1215b)
- Agenda (for public distribution)
- Compensation Report (CDC Form 1216)
- Official Minutes of Meeting (Signed by Chairperson and DFO)

Rev 2/00

26. Glossary of Terms

Agency Committee Management Officer (CMO) -- The employee in the agency who coordinates all facets of committee management for the entire agency.

Authorized by Law -- The process by which the law authorizes but does not direct the President or an agency to establish a committee. The committee is referred to as a non-statutory committee and consultation with the General Services Administration (GSA) is required.

Chair --Person who presides at committee meetings and ensures that all rules of order and conduct are maintained during each session.

Charter --Document which details the Purpose for the establishment of a committee; the Authority under which the committee is established; the Function and Structure of the committee. Also projects how often the committee will meet, how members will be compensated, the annual cost of operating the committee, reports due from or about the committee, and the date the committee will terminate if the charter is not renewed.

Committee Management Secretariat (CMS) -- The office within GSA which is responsible for all matters relating to advisory committees in the Federal Government.

Conflict of Interest -- Use of the committee office by a member which appears to be or is motivated by private gain for him/herself or other person(s), particularly those with whom he or she has family, business, or financial ties.

Consultant -- A person who serves as an adviser to a Federal Government officer or instrumentality. This person neither carries out the organization's duties or responsibilities nor performs or supervises the performance of operating functions.

Department Committee Management Office (DMCO) -- This office formulates and oversees the implementation of Department-wide policies, regulations and procedures governing committee management activities.

Designated Federal Official (DFO) -- Person designated to assume overall responsibility for the Special Emphasis Panel (SEP).

Executive Secretary (ES) -- Person who is responsible for the committee's overall management and administrative matters.

Expert --A person with excellent qualifications in a professional, scientific, technical or other field, who is regarded as an authority or a practitioner of unusual competence and skill by other persons in the profession, occupation or activity.

Federal Advisory Committee -- Any committee, board, commission, council, conference, panel, task force, study section, working or other similar group which is not composed entirely of full-time officers or employees of the Federal Government. Such a committee is established or utilized by a department or agency to advise or make recommendations on matters relating to the programs, responsibilities, or activities of the department or agency.

Federal Advisory Committee Act (FACA) -- The Act (P.L. 92-463) which establishes a system to govern the creation and operation of advisory committees in the Executive Branch of the Federal Government.

Federal Panel Member -- Federal employee appointed to serve on the SEP.

Federal Staff -- CDC/ATSDR employee assisting with the SEP, not a Panel member.

Non-Federal Member -- Person appointed to serve on the SEP, not a Federal employee.

Professional Area Breakdown -- A chart which shows committee composition by category in alphabetical order.

Re-chartering -- The process which is used to document the continuance of a statutory committee.

Secretary's Advisory Committee Office (SAC) -- The office which is located in the immediate office of the Secretary and provides policy direction and oversight on advisory committee management.

Special Emphasis Panel (SEP) Member -- A subject matter expert appointed to serve with full voting privileges for a single review.

Termination Date -- The date the committee ceases to function if the charter is permitted to expire.

Rev 12/00